AO 247 (02/08) Order Regarding Motion for Sentence Reduction

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:06CR287
Plaintiff,	)	
	)	
v.	)	USM No: 21193-047
	)	
OTIS SIMMONS JR.	)	JULIE FRANK
Defendant.	)	Defendant's Attorney
Date of previous judgment: 3/28/2007	)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) (Filing No. 40)

Upon motion (Filing No. 40) of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 324 months is reduced to 262 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 37		Amended Offense Level: 35	
Criminal History Category: V		Criminal History Category: V	
Previous Guideline Range: 324 to 405 months		Amended Guideline Range: 262 to 327 months	

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

[✓] The reduced sentence is within the amended guideline range.

[ ] The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

[ ] Other (explain):

III. ADDITIONAL COMMENTS
It is recommended to the Bureau of Prisons that the Defendant be placed in a facility appropriate for his custody level in Minnesota so that he may be closer to his home and family.
Except as provided above, all provisions of the judgment dated March 28, 2007 shall remain in effect.
IT IS SO ORDERED.

Dated this 19th day of August, 2008
Effective Date: Tuesday, September 2, 2008

s/Laurie Smith Camp
United States District Judge